

Defendant.

ORDER

After carefully considering the materials in the court file and conducting a *de novo* review of the motion, the court is of the opinion that the magistrate judge's report is due to be and hereby is **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, Counts Two and Three are **DISMISSED** with prejudice.

DONE this the 14th day of June, 2012.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

VIRGINIA EMERSON HOPKINS

United States District Judge